



COURT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

BA CHUB CAY, LLC,

Index No. 08 CIV 5217

Plaintiff(s)

against

WALTER J. MCCRORY, ET AL.,

Defendant(s)

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**IN A CIVIL ACTION, INDIVIDUAL PRACTICES  
OF JUDGE FRANCIS, INDIVIDUAL RULES  
OF PRACTICE HON. JED S. RAKOFF,  
ELECTRONIC CASE FILING RULES &  
INSTRUCTIONSFLORIDA  
STATE OF NEW YORK COUNTY OF Broward

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at 10100 W. Sample Rd #306 Coral Springs FL 33065

That on 6/10/08 at 6:34 P M., at 710 Coral Way Ft. Lauderdale

deponent served the within summons, and complaint on WALTER J. MCCRORY defendant therein named,

SEE ABOVE STATED DOCUMENTS

FL

## INDIVIDUAL

1. ☒

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

## CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

## SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

## AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3☐

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51-65 Yrs.	<input checked="" type="checkbox"/> 5'9"-6'0"	<input checked="" type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.☐

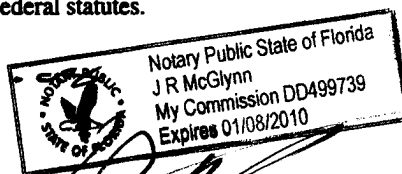
The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

6-12



James A. Wright  
F.C.D.C.P.I.  
License No. 9300369

AO 440 (Rev. 8/01) Summons in a Civil Action

**JUDGE RAKOFF**

**UNITED STATES DISTRICT COURT**

SOUTHERN

District of NEW YORK

BA CHUB CAY, LLC,  
Plaintiff,

V.

WALTER J. MCCRORY,  
BOB L. MOSS and  
KAYE PEARSON,  
Defendants.

**SUMMONS IN A CIVIL ACTION**

**08 CIV 5217**

TO: (Name and address of Defendant)

Walter J. McCrory  
710 Coral Way  
Fort Lauderdale, FL 33301

Bob L. Moss  
625 Third Key Drive  
Fort Lauderdale, FL 33304

Kaye Pearson  
1637 East Lake Drive  
Fort Lauderdale, FL 33316

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)  
KATTEN MUCHIN ROSENMAN LLP  
575 Madison Avenue  
New York, NY 10022  
(212) 940-8800

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**JUN 06 2008**

CLERK

DATE

(By)  CLERK